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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/665,065 | 09/19/2000 | Kamel Shaath | 38898-172161 | 5244 |

26694 7590 05/31/2006

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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3626

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/665,065 | Applicant(s) SHAATH ET AL. | |
| | Examiner Luke Gilligan | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. In the amendment filed 3/7/06, the following has occurred: claims 1, 8, and 38 have been amended. In addition, previously withdrawn claims 14-37 and 47-59 have been amended to depend from claim 1 either directly or indirectly. Now, claims 1-59 are presented for examination.
2. The previous rejections under 35 U.S.C. 102(e) in view of Shaath are withdrawn based on the amendment to the Specification along with the supplemental Declaration.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 14-37 and 47-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 14 recites the phrase "a single drawer associated with storage media of a similar nature" at lines 4-5. Although the Examiner assumes that the storage media is of a "similar nature" to "said storage medium," it is unclear what types of storage media are encompassed by this limitation. Therefore, the scope of this limitation is unclear and indefinite.
6. In addition, claims 16, 18, and 26, which depend directly or indirectly from claim 14, refer to "the policies" or "the policy." However, claim 1 refers to "lifecycle policies" while claim 14, which depends from claim 1, refers to a "plurality of policies" and "a policy associated with each virtual drawer." Therefore, it is unclear which policies these refer to.
7. Finally, claims 15, 17, and 19-25 are rejected for the same reasons as given above through dependency.

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8. Claim 27 recites the phrase “a single drawer associated with storage media of a similar nature” at lines 4-5. Although the Examiner assumes that the storage media is of a “similar nature” to “said storage medium,” it is unclear what types of storage media are encompassed by this limitation. Therefore, the scope of this limitation is unclear and indefinite.

9. In addition, claims 28-29 and 37, which depend directly or indirectly from claim 27, refer to “the policies” or “the policy.” However, claim 1 refers to “lifecycle policies” while claim 27, which depends from claim 1, refers to a “plurality of policies” and “a policy associated with each virtual drawer.” Therefore, it is unclear which policies these refer to.

10. Finally, claims 30-36 are rejected for the same reasons as given above through dependency.

11. Claim 47 recites the phrase “the file storage criteria” at line 4. There is no previous recitation of any “file storage criteria,” therefore, there is insufficient antecedent basis for this limitation in the claim.

12. Claims 48-52 are rejected for the same reasons as given above through dependency.

13. Claim 53 recites the phrase “the file storage criteria” at lines 5 and 6. There is no previous recitation of any “file storage criteria,” therefore, there is insufficient antecedent basis for this limitation in the claim.

14. Claims 55-59, which depend directly or indirectly from claim 53, refer to “the policies.” However, claim 1 refers to “lifecycle policies” while claim 53, which depends from claim 1, refers to “policies associated with the virtual cabinet.” Therefore, it is unclear which policies these refer to.

15. Additionally, claim 54 is rejected for the same reasons as given above through dependency.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. Claims 1-13 and 38-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Szalwinski et al., U.S. Patent No. 6,266,679.

18. As per claim 1, Szalwinski teaches a computer-implemented method of managing a file lifecycle comprising the steps of storing data on a storage medium (it should be noted that the preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951)) comprising: storing said file on said storage medium accessible by a computer said file having associated therewith a set of lifecycle policies relating to file storage locations within said storage medium (see column 4, lines 25-32); automatically determining from the associated lifecycle policies when said file is to be moved (see column 5, lines 38-41); and moving said file to another storage location within said storage medium or within a different storage medium when said file is to be moved (see column 5, line 65 – column 6, line 16).

19. As per claim 2, Szalwinski teaches the method of claim 1 as described above. Szalwinski further teaches providing a plurality of storage media including the storage medium,

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each having associated therewith a set of policies, the policies such that when a condition is met the file is transferred from one storage medium to another in accordance with a lifecycle stage of the file (see column 5, lines 44-52).

20. As per claim 3, Szalwinski teaches the method of claim 2 as described above.

Szalwinski further teaches a first storage medium is associated with active files and a last storage medium is associated with archived files and wherein the file is transferred from the first storage medium to the last storage medium in successive stages (see column 5, line 65 – column 6, line 16, in the context of Szalwinski, the Examiner is interpreting the “backup storage medium” to be associated with archived files as claimed).

21. As per claim 4, Szalwinski teaches the method of claim 3 as described above.

Szalwinski further teaches a file is automatically transferred to a storage medium most appropriate for its stage of lifecycle determined in accordance with the policies (see column 5, lines 53-65).

22. As per claim 5, Szalwinski teaches the method of claim 3 as described above.

Szalwinski further teaches the policies relate to at least some of the associated storage medium, the file name, the file extension, the file creation date, the file access date, the file last access date, the file creator, and the current file owner (see column 5, lines 53-65).

23. As per claim 6, Szalwinski teaches the method of claim 1 as described above.

Szalwinski further teaches the step of storing the file on a storage medium comprises the step of determining, in accordance with the policies, expiration data relating to when the file is to be moved (see column 5, lines 53-65).

24. As per claim 7, Szalwinski teaches the method of claim 6 as described above.

Szalwinski further teaches the step of automatically determining when the file is to be moved comprises the step of comparing the expiration data to present time data to determine if it is

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indicative of the file having expired its time on the storage medium or on the entire system (see column 5, lines 53-65).

25. As per claim 8, Szalwinski teaches a computer-implemented method of managing a file lifecycle comprising the steps of storing data on a storage medium (it should be noted that the preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951)) comprising: providing a virtual storage medium having a plurality of storage media associated therewith, wherein said plurality of storage media are accessible by a computer, and having associated therewith a set of lifecycle policies relating to file storage locations within at least one of said plurality of storage media (see column 4, lines 25-32); storing said file on at least one of said plurality of storage media accessible by a computer within said virtual storage medium (see column 5, lines 38-41); at intervals, determining from the associated lifecycle policies actions dictated by said lifecycle policies for performance on said file, and performing said dictated actions on said file (see column 5, line 65 – column 6, line 16).

26. Claims 9-13 recite substantially similar additional limitations to those already addressed in claims 3-7 and, as such, are rejected for similar reasons as given above.

27. As per claim 38, Szalwinski teaches a computer-implemented method of managing a file lifecycle comprising the steps of storing data on a storage medium (it should be noted that the preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are

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able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951)) comprising: providing a virtual storage medium having a plurality of storage media associated therewith, wherein said plurality of storage media are accessible by a computer, and having associated therewith a set of lifecycle policies relating to file storage locations within at least one of said plurality of storage media (see column 4, lines 25-32); storing said file on at least one of said plurality of storage media within said virtual storage medium accessible by said computer (see column 5, lines 38-41); upon occurrence of a triggering event, determining from said associated lifecycle policies actions dictated by said lifecycle policies for performance on said file, and performing said dictated actions on said file (see column 5, line 65 – column 6, line 16).

28. Claims 39-43 recite substantially similar additional limitations to those already addressed in claims 3-7 and, as such, are rejected for similar reasons as given above.

29. As per claim 44, Szalwinski teaches the method of claim 38 as described above. Szalwinski further teaches the event relates to an amount of free space on the storage medium (see column 4, lines 40-45).

30. As per claim 45, Szalwinski teaches the method of claim 38 as described above. Szalwinski further teaches the event relates to an amount of space occupied by files of an individual compared to a quota of space allocated to that individual (see column 4, lines 40-45).

31. As per claim 46, Szalwinski teaches the method of claim 38 as described above. Szalwinski further teaches the event relates to at least one of initial storage of a file and modification of said file (see column 5, lines 47-52).

Claim Rejections - 35 USC § 103

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. Claims 14-37 and 47-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szalwinski et al., U.S. Patent No. 6,266,679 in view of Stolarz, U.S. Patent No. 6,240,421.

34. Claims 14-37 recite substantially similar limitations to those already addressed in claims 1-13 and 38-46 above with the exception that policies are associated with and used to determine actions with respect to virtual drawers that are associated with a virtual cabinet rather than merely locations within storage mediums. Although Szalwinski teaches a method of managing a file lifecycle as described above with respect to claims 1-13 and 38-46, Szalwinski does not explicitly teach that the policies are associated with and used to determine actions with respect to virtual drawers that are associated with a virtual cabinet. However, Stolarz teaches a method of managing the lifecycle of files (see column 11, lines 5-8) that includes organizing files within virtual drawers that are within a virtual cabinet (see column 8, lines 19-25), wherein a set of policies, used to aid in moving the files throughout their life, are associated with each virtual drawer (see column 20, lines 29-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the virtual cabinet and virtual drawer organization into the system of Szalwinski. One of ordinary skill in the art would have been motivated to incorporate such organization for the purpose of providing a more intuitive and easy to use interface for handling the lifecycle of files (see column 1, lines 39-43 and column 20, lines 37-40). In addition, providing for a more organized manner storage, archiving and retrieval is an object of Szalwinski as well (see column 2, lines 8-13).

Response to Arguments

35. In the remarks filed 3/7/06, Applicants argue in substance that Szalwinski does not teach a set of lifecycle policies relating to file storage locations within said storage medium.

36. In response to Applicants' argument, the Examiner respectfully maintains that the archiving and back-up policies of Szalwinski are a form of lifecycle policy as claimed. Clearly, the policies in Szalwinski are associated file storage locations within the storage mediums (see column 5, line 66 – column 6, line 16 for one example). However, this does not appear to be in dispute since Applicants acknowledge that Szalwinski teaches "archiving and retrieving data using a database to store file location information" (see page 14 of the response). It appears, rather, that Applicants are asserting that Szalwinski fails to teach a file lifecycle that includes as least two stages of "file building, file reference, file non-use, and/or file archiving." It should first be noted that the preambles have been amended to indicate that "a file lifecycle" includes at least two of the previous mentioned stages. However, there have been no amendments with respect to the "lifecycle policies." For this reason, Applicants' arguments are not found to be persuasive.

37. In addition, as noted above, a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Here, the body of the claims make no reference to the "file lifecycle," as amended, which includes the at least two stages mentioned above. Therefore, it is respectfully submitted that

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the amendments to the preambles of the independent claims has not imparted any additional limitations to the body of the claims. Accordingly, the Examiner maintains that the archiving and back-up policies of Szalwinski are a form of lifecycle policy as claimed. For this reason also, Applicants' arguments are not found to be persuasive.

38. Finally, even if the lifecycle policies recited in the claims were somehow related to the at least two previously mentioned stages, it appears that, in addition to archiving, Szalwinski includes lifecycle policies related file non-use. In particular, files are backed up after a predetermined archival age (presumably, archived files have been in non-use) (see column 5, lines 38-42). However, since, as described above, the at least two stages are not specifically required by limitations recited in the body of the claims, the extent to which Szalwinski teaches this feature is moot.

39. Additionally, as noted above, the Examiner has withdrawn the rejections in view of Shaath. Therefore, the argument with respect to that ground of rejection is now moot.

Conclusion

40. Applicant's amendment to make previously non-elected and withdrawn claims 14-37 and 47-59 depend from claim 1 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

41. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5/26/06


C. LUKE GILLIGAN
PATENT EXAMINER